

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 93-628-T - ORDER NO. 94-881 ✓  
AUGUST 31, 1994

IN RE: Proposal to Amend        ) ORDER WAIVING PORTION OF  
      Liability Insurance        ) MOTOR CARRIER LIABILITY  
                                  ) INSURANCE LIMITS

This matter comes before the Public Service Commission of South Carolina (the Commission) for consideration of the Commission Staff's (the Staff's) concerns over recent revisions to liability insurance limits for certain freight motor carriers. The Staff has informed the Commission that it has received several written and oral complaints regarding the new insurance limits and that at least two motor carriers have sought to suspend their authority because they are unable to pay the increased premiums which have resulted from the new insurance limits.

The Commission takes administrative notice of two regulations. R.103-100(B) states that the adoption of these rules shall in no way preclude the Public Service Commission from altering, amending, or revoking them in whole or in part, or from requiring any other or additional service, equipment, facility or standard, either upon complaint or its own motion, or upon the application of any motor carrier. R.103-803 states that in any case where compliance with any of these rules and regulations produces unusual hardship or difficulty, the application of such rule or regulation may be

waived by the Commission upon a finding by the Commission that such waiver is in the public interest.

The Commission has examined the concerns expressed by the Staff and has decided to re-examine a portion of the revised freight liability limits as published in R.103-172, dated June 24, 1994. Pursuant to the above-stated regulations, the Commission believes that, except for the new limits established for carriers of hazardous materials, the newly established minimum limits for freight motor carriers should be waived. The Commission believes that the new limits at this time may produce unusual hardship or difficulty, and that it is in the public interest that the Commission temporarily waive the new freight liability limits, except as noted, until a study can be done to determine what new limits should be approved.

Further, pursuant to R.103-100, the Commission holds that said liability limits, except for those established for motor carriers hauling hazardous materials, shall revert back to those limits in force immediately prior to June 24, 1994, and that such limits shall be in effect for freight carriers until further Order of the Commission.

IT IS THEREFORE ORDERED THAT:

1. Except in regard to minimum liability limits for motor carriers hauling hazardous materials, the minimum liability limits for freight motor carriers which became effective June 24, 1994, are hereby waived.

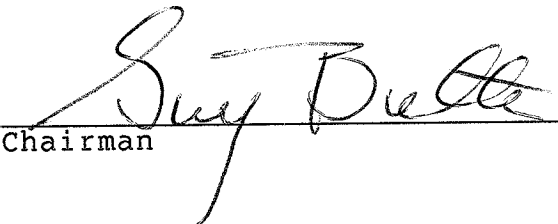
2. Such limits shall revert back to those limits immediately effective prior to June 24, 1994.

3. The matter of the minimum freight motor carrier liability limits shall be studied by Commission Staff to determine what new limits should be approved.

4. The Staff shall report back to the Commission and make recommendations accordingly at a future date.

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

VICE Chairman 

ATTEST:

  
Executive Director

(SEAL)